

MEMORANDUM

Special Item No. 2

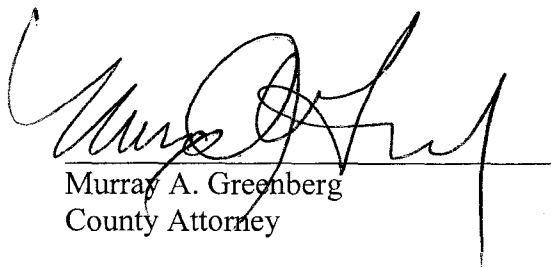
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 30, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution expressing intent
of the Board, upon request of
Town of Miami Lakes,
Village of Palmetto Bay and
City of Doral, to phase out
mitigation

The accompanying resolution was prepared and placed on the agenda at the request of
Commissioner Jose "Pepe" Diaz and Commissioner Katy Sorenson.



Murray A. Greenberg
County Attorney

MAG/bw

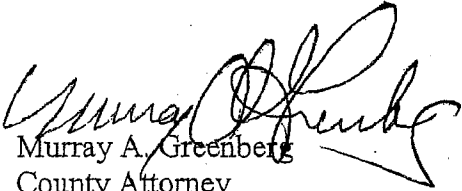


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 30, 2007

FROM: 
Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION EXPRESSING THE INTENT OF THE BOARD
OF COUNTY COMMISSIONERS, UPON THE REQUEST OF
THE TOWN OF MIAMI LAKES, THE VILLAGE OF
PALMETTO BAY, AND THE CITY OF DORAL, TO PHASE
OUT MITIGATION FOR THOSE MUNICIPALITIES UNDER
CERTAIN CIRCUMSTANCES

WHEREAS, in the Incorporation/Annexation and Mitigation Workshop of the Governmental, Operations and Environment Committee of the Board of County Commissioners, the Town of Miami Lakes, the Village of Palmetto Bay and the City of Doral discussed the phasing out of mitigation payments to the County, which were voted upon by the electors as a pre-agreed condition contained in their respective municipal charters; and

WHEREAS, the Board being duly advised, acting in furtherance of the County's Home Rule powers, desires to phase out mitigation payments made by these municipalities in an orderly manner, as set forth in this resolution; and

WHEREAS, the County Commission expresses its intent and commitment to approve a resolution of the Board approving the phase-out of mitigation in accordance with the terms of this resolution upon the municipalities' compliance with the terms of this resolution,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board of County Commissioners expresses its intent to authorize modification of the charters of the Town of Miami Lakes, the Village of Palmetto Bay and the City of Doral to permit the phase out of mitigation as contemplated in this resolution, if the following conditions are met:

- 1) The modified charter of each municipality shall provide for payment of mitigation until Fiscal Year 2008-09. The payment due in Fiscal Year 2006-07 shall be for the total amount due as stipulated in the municipal charters. The amount payable in Fiscal Year 2007-08 shall be 66% of the Fiscal Year 2006-07 payment. The amount payable in Fiscal Year 2008-09 shall be 33% of the Fiscal Year 2006-07 payment. In Fiscal Year 2009-10 and subsequent fiscal years, no mitigation payment shall be required.
- 2) Each municipality shall present to the County a resolution of its government body approving a ballot question and proposed amended provisions of its municipal charter, which must provide for the phase-out of mitigation as contemplated in this resolution and relinquishment of its most favored nations clause protections related to mitigation.
- 3) Such ballot question and proposed amended provisions shall be acceptable in form and substance to the County Commission and shall have identical proposed ballot questions and amended charter language.
- 4) Such ballot question and proposed amended charter provisions shall expressly provide that the amended charter shall not be effective, unless the voters of each of the three municipalities by affirmative vote of resident electors voting in their respective municipalities approve the proposed amendments.
- 5) Such elections shall be called by each of the respective municipalities on the same date and shall be by mail ballot.
- 6) Each municipality shall submit to the Clerk of the Board of County Commissioners the resolutions, including draft ballot questions and proposed

amended municipal charter provisions, prior to a County Commission vote to consider the municipalities' requests.

The foregoing resolution was sponsored by Commissioner Jose "Pepe" Diaz and Commissioner Katy Sorenson and offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

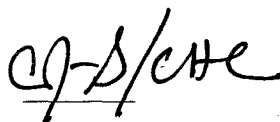
The Chairman thereupon declared the resolution duly passed and adopted this 30th day of April, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Craig H. Coller/Cynthia Johnson-Stacks